

SECRETARY OF STATE[721]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code sections 47.1 and 17A.3, the Secretary of State hereby gives Notice of Intended Action to amend Chapter 21, “Election Forms and Instructions,” Iowa Administrative Code.

These proposed amendments are necessary to establish a standard of maximum allowable deviation in population between school director districts and between city wards when boundaries are drawn. Iowa Code sections 275.23A and 372.13 require both school director districts and city wards to be “as nearly equal as practicable to the ideal population.” The ideal population is determined by dividing the number of districts or wards to be established into the population of the school district or city. In addition, the United States Supreme Court has held that, in general, apportionment plans with maximum population deviations under 10 percent are not sufficient, in and of themselves, to make out a prima facie case of discrimination under the Fourteenth Amendment. See *Brown v. Thompson*, 462 U.S. 835, 842.

Any interested person may make written suggestions or comments on these proposed amendments on or before July 5, 2011. Written suggestions or comments should be directed to Sarah Reisetter, Director of Elections, Office of the Secretary of State, First Floor, Lucas State Office Building, Des Moines, Iowa 50319.

Persons who want to convey their views orally should contact the Secretary of State’s office by telephone at (515)281-0145 or in person at the Secretary of State’s office on the first floor of the Lucas State Office Building. Requests for a public hearing must be received by July 5, 2011.

These amendments were also Adopted and Filed Emergency and are published herein as **ARC 9559B**. The purpose of this Notice is to solicit comment on that submission, the subject matter of which is incorporated by reference.

After analysis and review of this rule making, no impact on jobs has been found.

These amendments are intended to implement Iowa Code sections 275.23A and 372.13.